

REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed September 13, 2007. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has objected to the Specification in view of certain missing information concerning co-pending applications. In response thereto, page 1, lines 8-14, of the specification has been amended as suggested by the Examiner.

Claims 12-20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response thereto, claim 12 has been amended as suggested by the Examiner, to correct the typographical informality. With regard to the rejection of claims 16-20, the Examiner is incorrect as a matter of law. As originally presented, claims 16-20 were drafted as Jepson-type claims which are specifically authorized by 37 C.F.R. 1.75(e). Nevertheless, because of the Examiner's unfamiliarity with this format of claim, claims 16-20 have been amended as suggested by the Examiner.

Claims 6 and 16 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. In response thereto, claims 6 and 16 have been amended as suggested by the Examiner.

Claims 1-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,032,011, issued to Woodard et al. (hereinafter referred to as "Woodard"). This ground of rejection is respectfully traversed as to the amended claims for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" of the amended claims is not shown by Woodard in as complete detail as is contained in the claims" as is required by MPEP 2131.

The present invention generally relates to diverse data base management systems and more particularly relates to enhanced message handling techniques which provide efficient communication between such diverse data base management systems. This tends to be difficult because of the incompatibilities between differing legacy data base systems. Further problems arise with legacy data base management system access to various incompatible data

bases as well. To be most useful, there must be the capability to access such preexisting, incompatible data bases.

Unfortunately, this involves a number of incompatible message types. This promotes substantial inefficiencies in processing service requests and providing corresponding responses.

As disclosed and claimed, the subject invention provides an apparatus for and method of utilizing an existing predefined messaging protocol to convey additional data in application-to-application communication. Instead of utilizing a plurality of the existing predefined messages or defining a new unique message type to convey the needed data, a single preexisting message type is used to define location and format of the data objects to be communicated. The receiving application unpacks these definitions, so that it can request and utilize the requested data.

Woodard, on the other hand, provides for server base extraction, transfer, storage and processing of remote settings, files and data. In other words, Woodard seeks to make a server responsible for transfer of data without particular concern for incompatibilities of the data storage formats, because Woodard does not mention nor appear to be relevant to communication between legacy data base management systems. Therefore, the only data format activity of Woodard is determine that the requested

data format is compatible before the transfer can proceed (see, for example, Fig. 5, element 506, and Fig. 7, element 706).

As a result of these differences in purpose, scope, and operating environment between Applicant's claimed invention and Woodard, there are many structural differences as is noted by reference to the individual claim elements. To assist the Examiner in this regard, claims 1, 6, and 16 have been amended in accordance with Applicant's disclosure to explicitly highlight the format compatibility issues associated with communication amongst legacy data base management systems.

Amended claim 1, for example, is an independent method claim having six basic elements. The first claimed element is "determining said first format associated with said data". As explained above, Woodard does not contemplate communication between legacy systems having incompatible data formats. Therefore, the Examiner cites Woodard, column 7, lines 13-34, which says nothing of the claimed "determining" step.

Because Woodard does not have the claimed "first format" and therefore, does not have the claimed "determining" step, it cannot have the third claimed element which is "packing an identifier of said format and an identifier of said location into a message having a predefined format". Similarly, having no first and third steps, Woodard cannot have the fifth claimed step which requires "unpacking said message to determine said format

and said location". Finally, as a result of lacking the first, third, and fifth steps, Woodard cannot have the sixth step which requires "accessing said data by said second application using said indication of said format and said indication of said location".

As a result of Woodard not having at least the first, third, fifth, and sixth claimed elements of amended claim 1, the rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and is further limited by "wherein said data further comprises a plurality of data objects". As a matter of law, claim 2 further limits the "data" defined by claim 1 (i.e., the "data" transferred from the claimed "first application" to the claimed "second application"). Ignoring this relationship, the Examiner cites Woodard, column 6, lines 51-63, which appears to relate to a description of data, rather than the data itself. The rejection of claim 2 is respectfully traversed for failure of Woodard to meet the requirements of MPEP 2131.

Claim 3 depends from claim 2 and is further limited by "wherein said predefined format further comprises Extended Markup Language". As a matter of law, it is the "predefined format" of the claimed "message" of the third element of claim 1 which is further limited by claim 3. Ignoring the claimed invention, the

Examiner irrelevantly cites Woodard, column 7, lines 13-34, which discusses XML as a format for the data to be transferred, rather than the claimed "message". The citation is legally irrelevant, because it does not address Applicant's claimed invention. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and is further limited by "transferring step further comprises transferring via a publically accessible digital data communication network". Again, as a matter of law, claim 4 limits the "transferring step" of claim 1 which is "transferring" of the claimed "message". As explained above, Woodard does not have the claimed "message". Therefore, it cannot have the claimed limitations of claim 4. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed transferring network. As explained above, Woodard cannot meet the limitations of claim 4, because it does not have the claimed "message". Therefore, Woodard cannot meet the further limitations of claim 5. The rejection of claim 5 is respectfully traversed.

Claim 6, as amended, is an independent apparatus claim having five basic limiting elements. The second claimed element is "a second application program located within a second computer and having a legacy data base with a second format which is incompatible with said first format responsively coupled to said

first application program". There is no showing that Woodard has the claimed "legacy data base". Therefore, the Examiner again cites column 7, lines 13-34, which is legally irrelevant, because it does not address Applicant's claimed invention.

Similarly, Woodard does not disclose the fourth claimed element, which requires "a data object responsively coupled to said first application program having an indication of a location and having a an indication of said second format". Nowhere in the Examiner's citation or elsewhere in Woodard is the claimed "data object" even mentioned.

Having thus failed to disclose "the identical invention....in as complete detail as is contained in the ... claim" as is required by MPEP 2131, the rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claims 7 and 8 depend from claim 6. In rejecting claims 7-8, the Examiner states:

As to claims 7-8, they are the apparatus claims of claims 4 and 3, respectively, Therefore, they are rejected for the same reasons as claims 4 and 3 above.

This statement is both clearly erroneous and incorrect as a matter of law. It is clearly erroneous, because claims 7-8 are not the apparatus claims of claims 4 and 3, because claims 7 and 8 have different limitations. For example, claim 4 limits the network over which the claimed "transferring" of the claimed

"message" is performed. However, claim 7 limits the coupling between the claimed "first application program" and the claimed "second application program". These are different limitations.

The Examiner has also committed clear legal error in his rejection, because the combination of claims 4 and 8 are different as a matter of law. They have different statutory, judicial, and administrative standards of patentability. They also have different limitations as explained above. Therefore, the rejection of claims 7-8 is respectfully traversed as based upon clearly erroneous findings of fact and failure of the Examiner to examine the claims in accordance with controlling law.

Claim 9 depends from claim 8 and is further limited by "a user terminal containing said first application program". In making his rejection, the Examiner cites Fig. 1 of Woodard, which shows nothing of the required "containing said first application program". The rejection of claim 9 is respectfully traversed.

Claim 10 claims an apparatus and claim 5 claims a method. Nevertheless, the Examiner states:

As to claim 10, it is an apparatus claims of claim 5. Therefore, it is rejected for the same reasons as claim 5 above.

The rejection of claim 10 is respectfully traversed as having been incorrectly examined.

Claim 11 is an independent apparatus claim having four "means-plus-function" limitations. As such, it must be examined in accordance with MPEP 2181-2184. Clearly, this has not been done. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed as having been improperly examined.

Claim 12 depends from claim 11 and is further limited by "wherein said providing means further comprises means for generating a second service request". This limitation is not shown by Woodard. Therefore, the Examiner cites over one complete column of text (i.e., column 7, line 35, through column 8, line 44) which describes the flow diagram of Fig. 7. As clearly shown in Fig. 7, the flow diagram shows processing of only a single transfer. The rejection of claim 12 is respectfully traversed.

In rejecting claims 13-15, the Examiner again refers back to the rejection of claims 3-5. As explained above, the nature of this rejection is inconsistent with the difference in statutory, judicial, and administrative standards of patentability between method claims and apparatus claims having "means-plus-function" limitations. The rejection of claims 13-15 is respectfully traversed.

Claim 16, as amended, is an independent apparatus claim having three limiting elements. As explained above, the first

claimed element has been amended to more explicitly indicate the need for the claimed "a data object having....an indication of said second format". Woodard does not have this claimed "second format" as explained above. Therefore, Woodard can have none of the claimed elements. The rejection of amended claim 16, and all claims depending therefrom, is respectfully traversed.

Even though claims 17-20 are apparatus claims having differing limitations from method claims 3-5, the Examiner nevertheless does not separately examine claims 17-20. Therefore, the rejection of claims 17-20 is respectfully traversed for failure to be properly examined.

Claim 21 is an independent apparatus claim having seven unique limiting elements. Nevertheless, the Examiner states:

As to claim 21, it is an apparatus claim of claims 6-9. Therefore, it is rejected for the same reasons as claims 6-9 above.

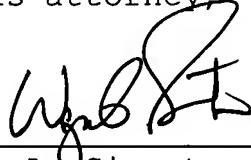
This statement is clearly erroneous and incorrect as a matter of law, because claim 21 contains unique limitations not found in either claims 6-9 or in any other pending claims. Limiting element c, for example, requires "a message having a preexisting Extended Markup Language format generated by said first application program for transfer to said second application program". This limitation is simply not found in any other pending claim. The rejection of claim 21 is respectfully traversed for failure to be examined.

Having thus responded to each objection and ground of rejection, Applicant respectfully requests entry of this amendment and allowance of claims 1-21 being the only pending claims.

Respectfully submitted,

Lowell D. Palecek

By his attorney



Wayne A. Sivertson
Reg. No. 25,645
Suite 401
Broadway Place East
3433 Broadway Street N.E.
Minneapolis, MN 55413
(612) 331-1464

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